

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
WILCOX ELECTRIC, INC.	)	FCC File No. 0001255961
	)	
Petition for Reconsideration and Request	)	
for License Renewal for Call Sign WRLD2000	)	

**ORDER ON RECONSIDERATION**

**Adopted: January 17, 2007**

**Released: January 19, 2007**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* We have before us a petition for reconsideration submitted by Thales Air Traffic Management, Inc. (Thales), formerly Wilcox Electric, Inc. (Wilcox), on May 11, 2005.<sup>1</sup> Thales seeks reconsideration of the April 26, 2005 action by the Public Safety and Critical Infrastructure Division (Division)<sup>2</sup> dismissing the above-captioned application to renew Wilcox's license for Aviation Radionavigation Station WRLD2000, Shawnee, Kansas.<sup>3</sup> For reasons discussed below, we deny the petition for reconsideration.

2. *Background.* Wilcox was granted a license for Station WRLD2000 in 1998 for a five-year term. Wilcox filed a renewal application on March 31, 2003. While the application was pending,<sup>4</sup> the Commission amended its rules to extend the license term for non-aircraft stations in the Aviation Radio Services to ten years.<sup>5</sup> Consequently, the regulatory fee associated with Wilcox's renewal application increased by seventy-five dollars. The Commission billed Wilcox for the seventy-five dollars on December 16, 2004, with payment due January 15, 2005. On March 9, 2005, Wilcox amended its application to reflect that it had relocated its offices from Kansas City, Missouri (which was the address listed in the Commission's records) to Shawnee, Kansas.<sup>6</sup> After no payment was received in response to the December 16, 2004 invoice, the

<sup>1</sup> See Letter dated May 6, 2005, from Linn C. Rudman, Thales ATM, Inc. (Wilcox Electric, Inc.), to Secretary, Federal Communications Commission, Washington, D.C. (Petition).

<sup>2</sup> Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. See Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

<sup>3</sup> Petition at 1.

<sup>4</sup> Applications for radionavigation land stations and radionavigation land test stations must be coordinated with the Federal Aviation Administration (FAA). See 47 C.F.R. § 87.475(a). FAA coordination of Wilcox's application was delayed by a typographical error regarding the station coordinates. See FCC Return Letter 3329263 (Feb. 22, 2005); FCC Return Letter 3348604 (Mar. 3, 2005).

<sup>5</sup> See Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 01-289, 18 FCC Rcd 21432, 21451-52 ¶ 40 (2003). The rule change took effect September 13, 2004. See 69 Fed. Reg. 32877 (2004).

<sup>6</sup> The application did not indicate when the relocation occurred.

Commission's Office of Managing Director, Revenue and Receivables Operations Group sent a letter dated March 10, 2005 to Wilcox at the Shawnee address, stating that Wilcox was delinquent in the amount of seventy-five dollars and that pursuant to Section 1.1910(b) of the Commission's Rules,<sup>7</sup> its application would be dismissed if full payment was not received within thirty days.<sup>8</sup> After no payment was received in response to the March 10, 2005 letter, the Division dismissed the application on April 26, 2005.<sup>9</sup> On May 4, 2005, Wilcox submitted a seventy-five dollar payment to the Commission.

3. *Discussion.* Pursuant Section 1.1910(a)(1) of the Commission's Rules, an application is examined to determine if the applicant has paid the appropriate application fee, appropriate regulatory fees, is delinquent in its debts owed the Commission, or is debarred from receiving Federal benefits.<sup>10</sup> Section 1.1901(b)(2) requires that action be withheld on applications or requests for authorization by any entity found to be delinquent, unless otherwise provided for by the Commission's Rules.<sup>11</sup> A debt is delinquent if it has not been paid by the date specified in the agency's initial written demand for payment, unless other satisfactory payment arrangements have been made.<sup>12</sup>

4. As an initial matter, we agree with Thales that Wilcox submitted the proper fee in association with its March 31, 2003 renewal application.<sup>13</sup> Rather, the application was dismissed because Wilcox failed to timely submit the seventy-five dollar regulatory fee that was imposed due to the extension of Wilcox's license term from five to ten years. Thales asserts that Wilcox did not receive sufficient notice of the unpaid fee,<sup>14</sup> as required by the Commission's rules.<sup>15</sup> We note, however, that the Commission attempted to inform Wilcox of the deficiency, but those attempts were unsuccessful because Wilcox did not inform the Commission until March 9, 2005 that its offices had moved from Kansas City, Missouri to Shawnee, Kansas. The mailing address furnished by a licensee on its most recent application will be used by the Commission for delivery of official correspondence unless the licensee notifies the Commission to the contrary, and the licensee is responsible for making any necessary arrangements to assure the prompt delivery of

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<sup>7</sup> 47 C.F.R. § 1.1910(b).

<sup>8</sup> See Notice of Withholding of Action from Claudette Pride, Chief Revenue and Receivables Operations Group to Wilcox Electric, Inc. (Mar. 10, 2005).

<sup>9</sup> See FCC Dismissal Letter 3466096 (Apr. 26, 2005).

<sup>10</sup> 47 C.F.R. § 1.1901(a)(1). The Commission began enforcing the rule on November 1, 2004. See FCC Announces Brief Delay in Enforcement of Red Light Rule, *Public Notice*, 19 FCC Rcd 19452 (2004).

<sup>11</sup> 47 C.F.R. § 1.1901(b)(2).

<sup>12</sup> See 47 C.F.R. § 1.1901(j).

<sup>13</sup> See Petition at 1. Our records reflect an April 1, 2003 fee payment in the amount of one-hundred and fifty dollars for FCC File No. 0001255961.

<sup>14</sup> *Id.*

<sup>15</sup> See Amendment of Parts 0 and 1 of the Commission's Rules Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Delinquent Debtors, *Report and Order*, MD Docket No. 02-339, 19 FCC Rcd 6540, 6544 ¶ 9 (2004).

documents or correspondence from the Commission to some person authorized to act on its behalf.<sup>16</sup> Further, the Commission has encouraged entities to check the accuracy of their contact information and to update that information to ensure that notifications regarding eligibility for benefits are properly received.<sup>17</sup>

5. Wilcox was required to make payment within thirty days of the March 10, 2005 letter, *i.e.*, no later than April 10, 2005.<sup>18</sup> Because Wilcox's delinquency had not been paid and no other satisfactory arrangements made within the required thirty days, the Division was correct in dismissing Wilcox's renewal application. We therefore affirm the Division's April 26, 2005 action and deny the petition for reconsideration.

6. Accordingly IT IS ORDERED that, pursuant to Sections 4(i) and 409 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 409, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration filed by Thales ATM, Inc. on May 11, 2005 IS DENIED.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>16</sup> 47 C.F.R. § 1.5; *see, e.g.*, Greenfield Area Life Squad, Inc., *Order on Reconsideration*, DA 06-1620, ¶ 5 (WTB PSCID rel. Aug. 11, 2006); *see also* 47 C.F.R. § 1.8002(b)(2).

<sup>17</sup> *See* FCC Announces Additional Tool to Facilitate Debt Collection Improvement Act (DCIA) Compliance; Urges Public to Verify Cores Database Information, *Public Notice* (rel. Sept. 23, 2004); Important Reminder About DCIA Red Light Rule Implementation, *Public Notice* (rel. Oct. 27, 2004).

<sup>18</sup> 47 C.F.R. § 1.1901(b)(3).